

RCK:kim

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Northern Division

UNITED STATES OF AMERICA, *
Plaintiff, *
*
v. *
*
ALL OF THE FUNDS AND PROPERTY *
IN THREE ACCOUNTS AT BB&T * Civil No. WDQ-04-2249
AND PNC BANK (SUNG YUL KIM), *
Defendant, *
and *
*
SUNG YUL KIM, *
Claimant. *
*
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**MOTION FOR
FINAL ORDER OF FORFEITURE**

Plaintiff, the United States of America, through undersigned counsel, hereby requests an order of forfeiture, and in support therefor states as follows:

1. The Verified Complaint for Forfeiture of the defendant property, which, the government submits, sets forth reasonable cause to support the forfeiture of the defendant property, was filed on or about July 16, 2004.
2. On or about July 27, 2004, the Department of Homeland Security executed process on the defendant property.
3. Bank records indicate that the defendant property was owned by the claimant, Sung Yul Kim, at the time that the case was initiated.

4. Notice of the pendency of this forfeiture was published in The Baltimore Sun, a newspaper of general circulation in the Baltimore, Maryland, area on or about August 11, 2004, and was published in the Bergen Record, a newspaper of general circulation in the Passaic County, New Jersey, area, pursuant to Rule C of the Supplemental Rules For Certain Admiralty and Maritime Claims, and pursuant to Local Admiralty Rule (c) (2). A copy of the advertising certifications is annexed hereto as **Exhibit A**.

5. No claimant, other than Sung Yul Kim, has come forward within the time allotted by law for the filing of claims, which is within thirty (30) days of the service of process or of publication. 18 U.S.C. section 983(a)(4)(A).

6. By agreement dated May 13 through 17, 2005, the government and the claimant agreed to a disposition of the defendant property. A copy of that agreement is annexed hereto as **Exhibit B**. In paragraph 1 of the agreement, the parties agreed that a copy of the agreement should be submitted to the Court in support of this motion.

WHEREFORE, the government respectfully requests that the Court issue a final order of forfeiture in conformance with the

attached draft order that is submitted herewith for the convenience of the Court.

Respectfully submitted,

Allen F. Loucks
United States Attorney

//s//

Richard C. Kay
Assistant United States Attorney
36 South Charles Street
Fourth Floor
Baltimore, Maryland 21201
(410) 209-4850 Bar No. 06766

CERTIFICATE OF SERVICE

I hereby certify that on May 20, 2005, a copy of the forgoing Motion for Final Order of Forfeiture was sent to:

Mark E. Schamel, Esquire
1140 Connecticut Avenue, N.W.
Suite 1140
Washington, D.C. 20036

//s//

Richard C. Kay
Assistant United States Attorney